

Message Text

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ORIGIN SY-05

INFO OCT-01 ISO-00 /006 R

DRAFTED BY A/SY/PTS;DHMCCABE
APPROVED BY A/SY/PTS;DHMCCABE
A/SY/E:JDIBLASI

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R 201553Z JAN 76

FM SECSTATE WASHDC

TO AMEMBASSY JAKARTA

INFO AMCONSUL HONG KONG

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E.O. 11652:N/A

TAGS:ASEC

SUBJECT: REQUEST FOR CLARIFICATION OF INSTRUCTIONS

HONG KONG FOR RSS

REF: JAKARTA 0465

1. ANSWER TO QUESTION WHAT CONSTITUTES ALLEGATION OF SECURITY NATURE MUST BE FOUND IN BASIC STANDARD, "EMPLOYMENT IN SENSITIVE POSITION MUST BE CLEARLY CONSISTENT WITH INTERESTS OF NATIONAL SECURITY." CRITERIA OF EO 10450 (SEE 3 FAM 162) OFFER EXAMPLES BUT KEY QUESTION IS REALLY, "DOES CONDUCT, CHARACTERISTIC OR CONDITION REASONABLY SUGGEST INDIVIDUAL MAY NOT BE DEPENDABLE ENOUGH AT PRESENT TIME TO HANDLE SENSITIVE RESPONSIBILITIES OR INFORMATION?" THIS MUST BE JUDGMENTAL DECISION AND ALMOST IMPOSSIBLE TO MAKE IN ABSTRACT.

2. FOLLOWING FACTORS TO BE CONSIDERED IN INITIAL EVALUATION:

A. "IMMORAL ACT" IS HIGHLY SUBJECTIVE TERM. AS GENERAL
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RULE, IT IS CIRCUMSTANCES SURROUNDING THE ACT, RATHER

THAN ACT ITSELF, WHICH MAY BE RELEVANT. WAS IT VIOLATION OF LAW? DOES IT LEAVE INDIVIDUAL VULNERABLE TO BLACKMAIL, INTIMIDATION OR OTHER POSSIBLE PRESSURE,

E.G. DUE TO EMOTIONAL ENTANGLEMENT? DOES IT SUGGEST INTOLERABLY POOR JUDGMENT? DOES IT SUGGEST MENTAL OR EMOTIONAL INSTABILITY? DOES IT REFLECT FAILURE TO ACCEPT RESPONSIBILITY OR REFUSAL TO ABIDE BY ESTABLISHED RULES?

B. DEPENDING ON ANSWERS TO THESE AND OTHER QUESTIONS, MATTER MAY BE OF CONCERN TO SY OR DG OR MED OR ANY COMBINATION OF THESE. FACT THAT COMPLEX CASES OF THIS SORT OFTEN HAVE OVERLAPPING INTERESTS PARTIALLY ACCOUNTS FOR COMPOSITION OF PERSONNEL REVIEW PANEL (3 FAM 791.4).

C. SY SEEKS TO LIMIT ITS ROLE TO MATTERS OF GENUINE SECURITY CONCERN, EVEN IF ONLY INDIRECT, MARGINAL OR SHARED WITH INTERESTS OF OTHER ELEMENTS. WHILE NOT ALL MISCONDUCT OF SY CONCERN, EVEN INDIRECTLY, SOME POST OFFICIALS OCCASIONALLY FAIL TO PERCEIVE SECURITY CONNOTATIONS IN COMPLEX CASES, RESULTING IN HANDLING MATTERS WITHOUT SY PARTICIPATION. AS A RULE, HOWEVER, ACTION OFFICERS IN DEPT ARE ALERT TO OTHERS' POSSIBLE INTERESTS AND WILL COORDINATE HERE AS APPROPRIATE.

D. CHIEF OF MISSION HAS ULTIMATE RESPONSIBILITY FOR SECURITY AND GENERAL DISCIPLINE AT POST. WHETHER SPECIFIC CASE EVENTUALLY FALLS TO SY AS SECURITY MATTER, TO DG AS SUITABILITY PROBLEM, OR TO MED AS MEDICAL PROBLEM, OR POSSIBLY NO ONE AS NOT A PROBLEM AT ALL, AMBASSADOR MUST BE INFORMED.

E. DOUBTS BEST RESOLVED BY REFERRAL TO DEPT. SPIRIT OF RELEVANCE STANDARD NOT VIOLATED IF ALL YOU DO IS PASS ON FOR EVALUATION AND GUIDANCE INFORMATION BROUGHT TO YOUR ATTENTION AND NOT RESULT OF YOUR UNILATERAL INVESTIGATIVE INITIATIVE. USUAL CONCERN WHEN PASSING DATA TO DEPT IS INCUMBENT'S REPUTATION MAY BE LIMITED OFFICIAL USE

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TAINTED FOR NO GOOD REASON. AS LONG AS WE ARE ACCURATE AND RELEVANT, HOWEVER, MANY RESPONSIBLE REVIEWS EFFECTIVELY SAFEGUARD EMPLOYEE'S RIGHTS AND INTERESTS.

3. SY ENCOURAGES CAREFUL REVIEW WITH AMBASSADOR OF FACTS ALREADY KNOWN TO YOU. IF THEY FIT SECURITY CRITERION, FORWARD DETAILS ASAP. IF THEY ARE NOT OF SECURITY CON-

CERN, EVEN REMOTELY, DO NOT CONDUCT FURTHER INVESTIGATION
UNLESS REQUESTED BY AMBASSADOR. IF UNCERTAIN, FORWARD AS
MUCH DATA AS YOU HAVE AND SY WILL PROVIDE GUIDANCE.
IF YOU BELIEVE MATTER IS NOT EVEN INDIRECTLY OF CONCERN
TO SY BUT, AFTER REVIEW OF 3 FAM 011, 620, 695 AND

761-2-3, MAY BE TO DG OR MED, SUGGEST TELEGRAPHIC REPORT
VIA DIRGEN OR MED CHANNEL FOR ADVICE.

4. REGRET POSSIBLE VAGUENESS IN OUR REPLY BUT YOUR OWN
DOUBTS ARE FAR FROM UNIQUE.

5. DECONTROL AT YOUR OWN DISCRETION.

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 20 JAN 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976STATE013877
Document Source: CORE
Document Unique ID: 00
Drafter: SY/PTS;DHMCCABE
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760022-0060
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760140/aaaabjlp.tel
Line Count: 131
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN SY
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 76 JAKARTA 465
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
Review Date: 24 MAY 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <24 MAY 2004 by greeneet>; APPROVED <25 MAY 2004 by GolinoFR>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: REQUEST FOR CLARIFICATION OF INSTRUCTIONS HONG KONG FOR RSS
TAGS: ASEC
To: JAKARTA
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006